

A9 136) (New) The cell of Claim 135 wherein the primate cell is a monkey cell.

137) (New) The cell of Claim 135 wherein the primate cell is a human cell.

### REMARKS

With this Amendment, the Specification has been amended to properly capitalize trademarks in accordance with M.P.E.P. § 608.01(v) and to add manufacturers' names and locations. Claim 1 is canceled, without prejudice. New Claims 92-137 are added. The plasmids and vectors recited in the new claims are supported in the Specification at, for example, page 6, lines 3-9, page 46, lines 18-20, page 47, line 5 through page 49, line 19, page 58, line 12 through page 59, line 7 and page 69, lines 7-24. The sequences recited in Claims 102-123 are supported in the Specification at, for example, page 39, line 5 through page 43, line 14, page 31, lines 9-12 and page 31, line 22 through page 32, line 2. The contents of Claims 124-137 are supported in the Specification at, for example, page 47, lines 19 through page 50, line 9.

Applicants reserve the right to prosecute canceled subject matter in one or more timely filed divisional, continuation or continuation-in-part applications. As the amendments to the Specification and the new claims are fully supported by the Specification of the present application, Applicants respectfully request their entry under 37 C.F.R. §1.111.

#### I. The Rejections

##### A. Rejection Under 35 U.S.C. § 112, Second Paragraph

Canceled Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness for reciting the phrase "nucleic acid sequences corresponding to ...".

Applicants respectfully point out that the rejection is moot with respect to canceled Claim 1 and inapposite to new Claims 92-137, none of which recites the objected-to phrase. Accordingly, Applicants respectfully request that the instant rejection be withdrawn.

**B. Rejection for Non-Statutory Double Patenting**

Canceled Claim 1 is rejected under the judicially created doctrine of non-statutory double patenting for allegedly claiming subject matter that is claimed in U.S. Pat. No. 5,872,237 ("the '237 patent"). Applicants respectfully point out that the rejection is moot with respect to canceled Claim. Accordingly, Applicants request that the instant rejection be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the subject application is believed to be in good and proper order for allowance. Early notification to this effect is earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 493-4935.

The commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 16-1150 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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Enclosure